

**OFFICIAL PROCEEDINGS
OF THE
BOARD OF COMMISSIONERS
OF SAGINAW COUNTY, MICHIGAN**



**SPECIAL SESSION
JUNE 6, 2016**

A Special Session of the Board of Commissioners of Saginaw County, Michigan, was held Tuesday, June 6, 2016. The Board met pursuant to adjournment at 5:08 p.m. with the Honorable Michael J. Hanley in the Chair. Deputy Clerk Suzy Koepplinger took roll, quorum present as follows:

PRESENT: *Cheryl M. Hadsall, Michael J. Hanley, Katheryn A. Kelly, Kirk W. Kilpatrick, Dennis H. Krafft, Susan A. McInerney, Carl E. Ruth, Charles M. Stack, James G. Theisen, Robert M. Woods, Jr., Patrick A. Wurtzel - 11*

ABSENT: *None - 0*

TOTAL: - 11

Commissioner Ruth gave the invocation and led the Pledge of Allegiance to the Flag.

PETITION



CLERK'S CALL OF SESSION

May 25, 2016

Susan Kaltenbach
Saginaw County Clerk
111 S. Michigan Avenue
Saginaw, MI 48602

June 6, 2016
Special Session

6-6-1

Dear Clerk Kaltenbach:

Pursuant to Article II, Section 2.9 (MCLA 46.10) of the 2016 Rules of the Saginaw County Board of Commissioners, the undersigned members of the Board respectfully petition that a Special Meeting of the Board of Commissioners be held **Monday, June 6, 2016 at 5:00 p.m.** in the Board Chambers, Second Floor - Room 200, Saginaw County Governmental Center, Saginaw, MI to consider approval of a Right of Entry agreement between Saginaw County and the U.S. Army Corps of Engineers regarding the Dredged Material Disposal Facility (DMDF) site.

Respectfully submitted,

Cheryl M. Hadsall, Commissioner
Katheryn A. Kelly, Commissioner
Kirk W. Kilpatrick, Commissioner
Dennis H. Krafft, Commissioner
Susan A. McInerney, Commissioner

Carl E. Ruth, Commissioner
Charles M. Stack, Commissioner
James G. Theisen, Commissioner
Robert M. Woods, Jr., Commissioner
Patrick A. Wurtzel, Commissioner

Michael J. Hanley - Chair

May 25, 2016

6-6-2

TO: SAGINAW COUNTY BOARD OF COMMISSIONERS

RE: Notice of Special Board Session

Honorable Commissioners:

The Saginaw County Board of Commissioners will convene for a Special Session on **Monday, June 6, 2016 at 5:00 p.m.** in the Board Chambers, Second Floor - Room 200, Saginaw County Governmental Center, Saginaw, MI to consider approval of a Right of Entry agreement between Saginaw County and the U.S. Army Corps of Engineers regarding the Dredged Material Disposal Facility (DMDF) site and any other matters brought before the Board.

This Special Meeting is being held consistent with Article II, Section 2.9 (MCLA 46.10) of the 2016 Rules of the Saginaw County Board of Commissioners by petition of at least one-third (1/3) of the members of the Board.

Respectfully submitted,
Susan Kaltenbach, County Clerk

Posted: 12:00 noon on May 26, 2016 by Suzy Koeplinger, Board Coordinator/Deputy Clerk

By the Chair: That the Notice of Meeting from the County Clerk be received and filed, if there are no objections. The Chair hears none; it is so ordered.

PUBLIC HEARING

None

AUDIENCES

None

LAUDATORY RESOLUTIONS

None

PETITIONS AND COMMUNICATIONS

By the Chair: That the following communications received by the Board of Commissioners be referred as designated, if there are no objections. The Chair hears none; it is so ordered.

6-6-1 PETITION requesting Special Board Session on Monday, June 6, 2016 at 5:00 p.m. to consider Right-of-Entry Agreement between the U.S. Army Corps of Engineers and the County of Saginaw as the Non-Federal Sponsor of the Upper Saginaw River Dredged Material Disposal Facility and any other matters brought before the Board.

-- Receive and File

6-6-2 NOTICE OF SPECIAL BOARD SESSION on Monday, June 6, 2016 to consider approval of a Right-of-Entry Agreement between the U.S. Army Corps of Engineers and the County of Saginaw as the Non-Federal Sponsor of the Upper Saginaw River Dredged Material Disposal Facility and other matters brought before the Board.

-- Receive and File

6-6-3 COUNTY CIVIL COUNSEL requesting approval of a Right-of-Entry (ROE) Agreement between the U.S. Army Corps of Engineers and the County of Saginaw as the Non-Federal Sponsor of the Upper Saginaw River Dredged Material Disposal Facility (DMDF).

-- County Services (6-6-16-3.1)

INITIATORY MOTIONS

None

APPROPRIATIONS COMMITTEE

None

REPORTS OF REGULAR COMMITTEES

FROM: COMMITTEE ON COUNTY SERVICES – 3.1

JUNE 6, 2016

Your committee has considered Communication No. 6-21-20 (6-6-3) from L. William Smith, County Civil Counsel, asking for support of the request by the U.S. Army Corps of Engineers to approve a Right-of-Entry (ROE) agreement between the Corps and the County of Saginaw as the Non-Federal Sponsor of the Upper Saginaw River Dredged Material Disposal Facility (DMDF).

We met with Mr. Smith, who informed the committee that in 2005 the County of Saginaw became a signatory in a Project Cooperation Agreement with the County authorizing work to be performed and being responsible to provide "...all lands, easements, and right-of-way that the Government determines the Non-Federal Sponsor (Saginaw County) must provide for construction or operation and maintenance of the [site]..."

The Corps has advised the County that execution of the ROE is necessary for maintaining the river depth to commercial levels. Although the County entered into a similar ROE agreement in 2008, the Corps has now reviewed the document and determined that a new ROE is necessary for them to proceed with the maintenance and improvements scheduled for commencement in the summer of 2016.

We concur and recommend approval of the attached Right-of-Entry (ROE) agreement between the U.S. Army Corps of Engineers and Saginaw County as the Non-Federal Sponsor of the DMDF. Further, we recommend the Chair of the Saginaw County Board of Commissioners and County Civil Counsel are authorized to sign any necessary documents on behalf of Saginaw County.

Respectfully submitted,

COMMITTEE ON COUNTY SERVICES

Carl E. Ruth, Chair
Cheryl M. Hadsall
Dennis H. Krafft

Charles M. Stack, Vice-Chair
Michael J. Hanley

Moved by Ruth, seconded by McInerney, to approve the recommendation. Motion carried. A sufficient majority having voted therefor, the Report of the Committee is received and the recommendations contained therein are adopted.

RESOLUTIONS

None

UNFINISHED BUSINESS

None

PROCLAMATIONS

None

ELECTIONS

None

APPOINTMENTS

None

ANNOUNCEMENTS BY THE CHAIR

None

COMMISSIONERS' AUDIENCES

- ◆ Commissioner Theisen commented on the death of Muhammad Ali and his love for children, explained how he met him and spent time with him, and shared a picture of himself and "The Greatest" together.

By Commissioner Woods, seconded by Commissioner Hadsall: That the Board adjourn. Carried. Thereupon, the Board adjourned at 5:12 p.m.

MICHAEL J. HANLEY, CHAIRMAN

SUSAN KALTENBACH, CLERK